



## WOODSTOCK LAND CONSERVANCY

August 17, 2012

To: Ken Panza, Member Woodstock Town Board and representative to the Woodstock Land Conservancy for the Comeau Conservation Easement  
From: Woodstock Land Conservancy

Dear Ken,

### **Directors**

**Jim Bogner**  
**Michael DeMan**  
**Rosalind Dickinson**  
**Eve Fox**  
**John Garesché**  
**Patty Goodwin**  
**Matt Longyear**  
**David Marell**  
**Lisa Pollard**  
**Sonya Skorpaugh**  
**Kevin Smith**  
**Hank Starr**  
**Nadia Steimzor**

**Gay Leonhardt**  
*President Emeritus*

**John Winter**  
*Executive Director*

On behalf of the Board of Directors of the Woodstock Land Conservancy, I write to respond to the Woodstock Town Board's request for WLC to review the Western Expansion of the Soccer Fields revised plans for the Comeau property conservation easement. This review was performed pursuant to the Stewardship Plan of the Comeau Conservation Easement signed November 16, 2009 for which WLC is the grantee. The plans were received from the Woodstock Town Board via mail from the US Postal Service, with a postmark of June 18, 2012. The plans, the second set received by WLC, were deemed complete by WLC and the Town Board was notified as such, by letter on July 6, 2012. It is WLC's understanding that the plans have been approved by all necessary parties under applicable law and were considered by the Town to be the final plans for the Western Expansion of the Soccer Fields project.

It is WLC's understanding that Town Board members Bill McKenna, Ken Panza, and Jay Wenk serve as the representatives of the Town of Woodstock as Grantor of the Deed of Conservation Easement for purposes of the Western Expansion of the Soccer Fields project. WLC has communicated with Mr. McKenna, Mr. Panza, and Mr. Wenk in reviewing this proposal. WLC very much appreciates the efforts of the entire Town Board in this project and we thank you for the opportunity to review this proposal. We submit this letter to the Town Board via Mr. Panza, WLC's liaison to the Board for the Comeau easement.

### **Findings**

This letter will serve as record that while WLC cannot opine on the entirety of the project in advance of construction, the plans reviewed and conversations held with representatives of the Town Board for the project do not appear to reveal activities that conflict with the terms of the Deed of Conservation Easement.

It is WLC's understanding that Town Highway Department Supervisor Mike Reynolds will serve as construction supervisor for the project. Since the Deed requires compliance during construction, WLC may, at its discretion, periodically visit the project site and confer with the construction supervisor as work progresses. We request that the Town contact WLC when work is scheduled to begin.

WLC understands that the nature of construction work can result in changes to the plans. Special concerns associated with this project include erosion control and the grading of the soils to be placed on the property for drainage. Should changes be made during

construction, WLC expects that the Town Board will provide Notice under the Deed to WLC concerning proposed changes to the plans prior to executing them. WLC will make every effort to expedite review of any proposed changes and will promptly notify the Town of its findings in writing.

### **Application Materials and Key Meetings**

WLC reviewed the following documents provided by the Town:

- Comeau Field Proposals PowerPoint presentation prepared by the Woodstock Soccer Club AYSO Region 732
- Field expansion location map dated June 18, 2012 provided by Bill McKenna, including GPS points of field location and boundary.
- Letter from Ken Panza dated July 26, 2012 describing maps used for the project and correcting GPS points from June 18, 2012 map above.
- Determination letter from Peter Cross (case 2012 #2), Woodstock Wetland and Watercourse Inspector, dated 8/10/12 describing Town of Woodstock and Federal and New York wetlands laws applicable to the project site.

Key Meetings included:

- June 18, 2012 Open Area boundary determination site visit; participants included Hank Starr for WLC; and Bill McKenna and Mike Reynolds for the Town
- July 23, 2012 field location site visit; participants included Hank Starr for WLC; Ken Panza and Bill McKenna for the Town; Terry Funk-Antman, Grace Murphy, and Jeff Viglielmo for the Comeau Stewardship Advisory Committee; and Jerry Washington as a guest of the Town and CSAC.

### **WLC Review of Project Activities under the Easement**

**Notice (Articles 4.07 and 3.01)** WLC acknowledges that the Town has provided the required notification and related documentation for WLC to conduct its review under the terms of the Deed of Conservation Easement.

**Excavation and Removal of Materials; Mining (Article 3.02)** WLC acknowledges that the removal of topsoil, sand, and other materials and changes to the topography of the property, while generally prohibited, are allowed for the Western Expansion of the Soccer Fields project. Such activities are also allowable, and in fact may be necessary, for purposes of proper erosion control and soil management.

**Cutting of Timber (Section 3.06)** The easement provides for the cutting of trees to maintain Open Areas. Under the Western Expansion of the Soccer Fields plans, various small caliper trees will be removed and a few re-located so as to clear the area for the new

playing field. As this activity is being performed in the Open Area, it is permitted under the easement.

**Soil and Water (Article 3.07)** A key area of review was the drainage plan for the site. As shown in the June 18, 2012 map, the site will be graded so that drainage will follow the existing contours of the property. Hence it will have the same drainage runoff as the field before the improvement.

**Wetlands and/or Stream Buffer (Article 3.08):** The placement of the expanded field in relation to the vernal pool and its buffer and wetlands and their buffers in the adjacent forest area were explored during the review process. WLC understands that Peter Cross, Woodstock Wetland and Watercourse Inspector, determined that the field expansion project is not a regulated activity under Wetland and Watercourse Law. In his 8/10/12 correspondence to the Town Board Mr. Cross also said the activities to be undertaken on the field are allowable under federal and state wetland laws. We suggest utilizing the recently installed ground stakes to ensure the correct field perimeter location.

**Environmental Sensitivity During Construction (Article 4.06E)** WLC would like to underscore the importance of minimizing disturbances to areas adjacent to the construction area. Under this article of the Deed of Conservation Easement, the Grantor shall employ erosion and sediment control measures to ensure storm water runoff does not carry deleterious materials beyond the work site. Measures contained to be employed include:

- demarcating limit lines around the construction zone,
- minimal removal of vegetation, installation of silt fencing (as described in the plans),
- planting of grasses to create ground cover and minimize erosion,
- minimal movement of earth,
- minimal clearance of access routes for construction vehicles, and
- proper restoration of any disturbance caused by accessing the project site.

WLC recommends that where new grasses are planted, the installed silt fencing be maintained post-construction until such time as the grasses have established sufficient root systems to perform these functions long-term.

We look forward to continuing to work with the Town on this project and we remain available to dialogue as needed and requested. Please do not hesitate to forward any questions from Town Board members, through Mr. Panza as the Town Board representatives, so as to ensure that our communications are efficient and productive.

Thank you again for providing us with the opportunity to preview the plans for this project.

Sincerely yours,

John Winter  
Executive Director